

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION**

Gary DuBose Terry,

Petitioner,

v.

Bryan P. Stirling, Agency Director, South
Carolina Department of Corrections, and
Willie D. Davis, Warden of Kirkland
Reception and Evaluation Center,

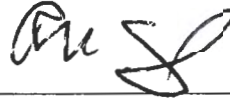
Respondents.

Civil Action No. 4:12-cv-1798-RMG

**28 U.S.C. § 2266 THIRTY DAY
EXTENSION ORDER**

This matter comes before the Court on the the Report and Recommendation (“R & R”) of the Magistrate Judge (Dkt. No. 142). 28 U.S.C. § 2266(b)(1)(A) requires, as applicable here, a final determination on any application for a writ of habeas corpus within “60 days after the date on which the case is submitted for decision....” The case was submitted for decision on April 17, 2019, as of the Respondents filing their Objections to the R & R. (Dkt. No. 154; 157.) The case must therefore be decided by June 16, 2019. However, the Court finds that the ends of justice would be served by delaying the final determination in this case by thirty (30) days, as permitted under 28 U.S.C. § 2266(b)(1)(C)(i). Specifically, the Court finds that given the complexity of the case, which involves a multi-thousand page record, a one hundred and forty-four page R & R, over seven years of briefing by the Parties, and complex questions of constitutional law regarding ineffective assistance of counsel, failure to allow the delay would be likely to result in a miscarriage of justice and may mandate the “hasty and unreasoned judicial decision making” that Congress sought to avoid with 28 U.S.C. § 2266(b)(1)(C). *Gray-Bey v. United States*, 201 F.3d 866, 870 (7th Cir. 2000). The Court therefore **ORDERS** that the deadlines of 28 U.S.C. § 2266(b) are extended by one **THIRTY (30) DAY** period to July 16, 2019.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. M. Gergel', written above a horizontal line.

Richard M. Gergel
United States District Court Judge

May 24, 2019
Charleston, South Carolina